



U.S. Department of Justice

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Civil Division

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May 17, 2019

Via ECF

Honorable Michael A. Hammer
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: United States *ex rel.* Lee v. Noah Bank, *et al.*
Civil Action No. 2:13cv02786

Dear Judge Hammer:

Please accept this letter in response to the Court's Order filed May 10, 2019. This case was a *qui tam* case filed pursuant to the False Claims Act, 31 U.S.C. 3729 *et seq.*, by Plaintiff/Relator Marie Lee. It was filed under seal, pursuant to statute, and the United States investigated the allegations in the Complaint. After due consideration, the United States chose not to intervene in this case, and on April 27, 2018, the United States filed a Notice of Election to Decline Intervention. This means that the United States is not a party to this action and the Plaintiff/Relator, Marie Lee, is free to pursue the allegations in the complaint if she so chooses. Otherwise, she is free to dismiss the case with the concurrence of the United States.

If Plaintiff/Relator chooses to voluntarily dismiss this action, or if the Court elects to dismiss this case *sua sponte*, the Court may take this letter as concurrence by the United States, pursuant 31 U.S.C. § 3730(b)(1), to the dismissal of this action with prejudice as to the Relator, so long as the dismissal is *without* prejudice to the United States.

Thank you for your consideration of this matter.

CRAIG CARPENITO
United States Attorney

By: *s/ Anthony J. LaBruna*
ANTHONY J. LABRUNA
Assistant United States Attorney

Cc: via ECF Michael S. Kimm